



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 4, 1996

Ms. Tatia Randolph
Assistant City Attorney
City of Dallas
Criminal Law and Police Division
Dallas, Texas 78711

OR96-1827

Dear Ms. Randolph:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101113.

The City of Dallas (the "city") received a request for "copies of the complete arrest report including the officer's narrative and any other supplement reports" concerning the arrest of a particular individual. You state that the front page information is being released to the requestor. However, you assert that the remaining portion of the requested information is excepted from required public disclosure pursuant to section 552.103(a) of the Government Code.

Section 552.103(a) applies to information:

(1) relating to litigation of a civil or criminal nature or settlement negotiations, to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person's office or employment, is or may be a party; and

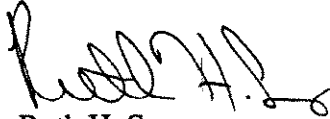
(2) that the attorney general or the attorney of the political subdivision has determined should be withheld from public inspection.

To secure the protection of section 552.103(a) a governmental entity must show that (1) litigation is pending or reasonably anticipated and (2) the information at issue is related to that litigation. *Heard v. Houston Post Co.*, 684 S.W.2d 210, 212 (Tex. App.-Houston [1st Dist.] 1984, writ ref'd n.r.e.); Open Records Decision No. 551 (1990) at 4. You assert that there is a pending criminal case in connection with the alleged offense. We have reviewed the documents which are

section 552.103(a) exception is discretionary, Open Records Decision No. 542 (1990) at 4, the city may choose to release any information that is not otherwise confidential. Gov't Code § 552.007.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the fact presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/SAB/ch

Ref.: ID#101113

Enclosures: Submitted documents

cc.: Mr. John Hunsucker
1512 NW 21 Street
Oklahoma City, Oklahoma 73101
(w/o enclosures)